IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WP(C).No. 20663 of 2005(I)

PETITIONER:

V. RAVEENDRAN, S/O. RAMAN,
AGED 43 YEARS, VALIYAVEETTIL HOUSE,
P.O. THENKARA, MANNARKKAD, PALAKKAD DISTRICT.

BY ADV. SRI.C.K.RAMAKRISHNAN

RESPONDENTS:
---

1. COMMISSIONER OF LAND REVENUE
PUBLIC OFFICE BUILDING, MUSEUM ROAD,
TRIVANDRUM-695 033.

2. DISTRICT COLLECTOR, PALAKKAD.

3. MANAGER, UNION BANK OF INDIA,
POTTASSERY, PALAKKAD DISTRICT.

4. THE TAHSILDAR (R.R), MANNARKKAD.

5. GENERAL MANAGER,
DISTRICT INDUSTRIES CENTRE, PALAKKAD.

R3 BY ADV. SRI.A.S.P.KURUP, SC, UBI
R1,2,4&5 BY G.P. SRI.P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1(a): TRUE COPY OF THE STATEMENT OF ACCOUNT DT.3.5.1997.

P1(b): .DO. DT.3.5.1987.

P2: TRUE COPY OF LETTER DT.27.5.2005.

P3: TRUE COPY OF THE NOTICE DT.19.4.2002.

P4: TRUE COPY OF PETITION DT.21.10.04.

P5: TRUE COPY OF ARGUMENT NOTE DT.24.5.2005.

P6: TRUE COPY OF THE PROCEEDINGS OF COMMISSIONER OF LAND REVENUE DT.6.6.2005.

RESPONDENT'S EXHIBITS:

R3A: TRUE COPY OF NOTICE DT.14.5.98 ISSUED TO THE PETITIOENR BY BANK.

R3B: TRUE COPY OF DEMAND PROMISSORY NOTE DT.28.4.97 EXECUTED BY PETITIONER.

R3C: TRUE COPY OF NOTICE DT.18.11.98 ISSUED BY BANK TO THE PETITIONER.

R3D: TRUE COPY OF REGISTERED NOTICE DT.14.11.2000 ISSUED TO THE PETITIONER.

R3E: TRUE COPY OF LETTER DT.27.11.2000 WRITTEN BY PETITIONER TO BANK.

R3F: TRUE COPY OF DEMAND PROMISSORY NOTE DT.27.11.2000 EXECUTED BY PETITIONER.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

.....

W.P.(C) No.20663 of 2005

.....

Dated this the 12th day of July, 2007.

JUDGMENT

The petitioner is challenging revenue recovery proceedings on the ground that debt is time barred. Recovery proceedings were initiated on 5.1.2000. The Bank has produced Ext.R3E which is a letter issued by the petitioner to the Bank showing part payment of Rs.4,000/-. The petitioner has in R3E undertaken to clear the balance arrears in three instalments. Counsel for the petitioner submitted that petitioner wants to file reply affidavit against Ext.R3E. I do not find any purpose will be served by granting time to file reply affidavit because filing of Ext.R3E is evidenced by credit of Rs.4,000/- in petitioner's account which amounts to acknowledgement of debt through part payment. Since revenue recovery is initiated within two years from Ext.R3E, petitioner's challenge against recovery proceedings on the ground of limitation is not tenable. In fact, a fresh promissory note is also executed by the petitioner through Ext.R3F on 27.11.2000. In the circumstances, challenge against recovery proceedings on the ground of limitation is rejected. If petitioner offers payment within a reasonable time, I feel Bank should waive penal or default interest. The

W.P. is accordingly disposed of granting stay against recovery proceedings for another six weeks for the petitioner to pay liability with agreed rate of interest and without penal interest. However, if petitioner does not avail the facility, the Tahsildar will proceed with recovery.

C.N.RAMACHANDRAN NAIR
Judge

pms